

### REMARKS

Reconsideration is respectfully requested in view of the foregoing amendments, the enclosed Terminal Disclaimer, and the following remarks.

The claims presently pending in the application are 1-7, inclusive.

Claim 1 has been amended to recite administering hematopoietic spleen stem cells. Accordingly, the objection to claim 1 is deemed to have been overcome and should be withdrawn.

In response to the nonstatutory double patenting rejection of claims 1-7 over claims 1 and 2 of U.S. Patent No. 6,184,033, Applicant submits herewith a Terminal Disclaimer. Thus, this rejection has been overcome and should be withdrawn.

Claims 1-7 stand rejected under §112. This rejection is respectfully traversed. Claim 1 has been amended to now recite the various medical conditions for which patients have been successfully treated by the method of the claimed invention.

Claim 1 now also recites that the cells in the "additional suspension" contain living embryonic cells.

It is respectfully submitted that the §112 rejection has been overcome and, accordingly, it should be withdrawn.

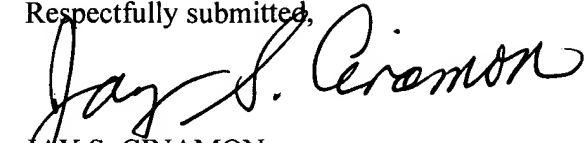
Claims 1-7 stand rejected under §102(b) as being anticipated by WO 95/16455. This rejection is respectfully traversed.

It is respectfully submitted that the amendments made to the claims serve to distinguish over the teaching of WO 95/16455. Accordingly, the rejection under §102(b) has been overcome and should be withdrawn.

The issuance of a Notice of Allowance is respectfully solicited.

Please charge any fees which may be due and which have not been submitted  
herewith to our Deposit Account No. 01-0035.

Respectfully submitted,

A handwritten signature in cursive script, reading "Jay S. Cinamon". The signature is written in dark ink and is positioned above the printed name and title.

JAY S. CINAMON  
Attorney for Applicant  
Reg. No. 24,156

ABELMAN, FRAYNE & SCHWAB  
150 East 42<sup>nd</sup> Street  
New York, New York 10017  
(212) 949-9022  
(212) 949-9190